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HOUSE BILL 2307 By
Kent

SENATE BILL 2613
By Haynes

AN ACT to amend Tennessee Code Annotated, Section 12-4-106,
relative to contracts for professional services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-4-106(a), is amended by
designating the existing language as (a)(1), and by adding the following language to be
designated as (a)(2):

(2) In the procurement of architectural and engineering services the selection
committee/procurement official shall request statements of qualifications and experience
data from each firm. The selection committee/procurement official, for each proposed
project, shall evaluate statements of qualifications and experience data regarding the
proposed project, and shall conduct discussions with firm(s) regarding anticipated
concepts and the relative use of alternative methods of approach for furnishing the
required services and then shall select therefrom, in order of preference, based upon
criteria established and published in the newspaper of record, the firm(s) deemed to be
the most highly qualified to provide the services required.

The selection committee/procurement official shall negotiate a contract with the
highest qualified firm for architectural and engineering services at compensation which
the selection committee/procurement official determines is fair and reasonable to the
government. In making such determination, the selection committee/procurement official

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shall take into account the estimated value of the services to be rendered, the scope, complexity and professional nature thereof.

Should the selection committee/procurement official be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price determined to be fair and reasonable, negotiations with that firm shall be formally terminated. The selection committee/procurement official shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, negotiations shall be terminated. Negotiations shall then be undertaken with the third most qualified firm.

Should the selection committee/procurement official be unable to negotiate a satisfactory contract with any of the selected firms, the official shall select additional firms in order of their competence and qualifications and continue negotiations in accordance with this subdivision until an agreement is reached.

A city, county or utility district having a satisfactory existing working relationship for architectural or engineering services, may expand the scope of the services, provided they are within the technical competency of the existing firm, without exercising the provisions of this subdivision.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.